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# Exhibit 4

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**From:** Ari Ungar <aungar@osenlaw.com>  
**Sent:** Thursday, March 14, 2024 8:47 PM  
**To:** Ingerman, Brett; Setrakian, Berge; Coles, Anthony P.; Civetta, Margaret; Earnest Mckee, Lane; Peck, Andrew; Kozlowski, Nicole; Collins, Erin  
**Cc:** Susan Davies; James Bonner; 'Joseph H. Tipograph'; emacallister@perleslaw.com; Tab Turner; 'Naunton, Shawn'; Zahra R. Dean; Gary Osen; Michael Radine; Dina Gielchinsky; Aaron Schlanger  
**Subject:** RE: Miller v. Arab Bank; Pam v. Arab Bank

 EXTERNAL MESSAGE

Brett,

We can inquire whether the remaining *Miller* Plaintiffs are available to have their depositions taken during the first two weeks of April in Israel. If that timeframe does not work for you, we propose completing their depositions in July or August. The *Pam* Plaintiffs have advised us that they are available in the middle of May to have some of their Plaintiffs deposed in Israel. Before we again confirm the Plaintiffs' availability as we did in January, we need a firm commitment from your team that these depositions will in fact proceed unless the conditions in Israel deteriorate significantly. We cannot continue to go back to our clients, obtain their availability, have them hold dates, only to learn from you right before their depositions that you are no longer comfortable traveling there.

As for the Arab Bank 30(b)(6) witness on the waiver process, you previously told the Court that you would make a witness available "towards the end of March, early part of April." Hence, we offered dates during the first week in April: April 3 and 4. Please let us know if either date works.

With respect to Phillip Bauer, I'm happy to discuss this further with you next week. Please let me know what days/times work best for you.

Finally, with respect to your request for a 60-day extension of the deadline for substantial completion of the Bank's foreign jurisdiction ESI, both the *Miller* and *Pam* Plaintiffs consent. However, based on our call today with your IT consultant, David Alfaro, 60 days for substantial completion for production of ESI seems impossible. According to Mr. Alfaro, his firm has not even physically acquired any of the media yet, let alone processed it, let alone searched it. As far as we can discern, FTI is still preparing to "audit and inventory" what records/ESI Arab Bank has, as well as preparing to acquire or build its initial schema to ascertain Arab Bank's systems architecture. In sum, they appear to be at the *beginning* of a lengthy and complex process that will take many, many months. In any event, we'll send you and Mr. Alfaro our detailed follow up technical questions over the next few weeks and will be guided in our assessment by your collective answers.

Regards,

Ari Ungar  
Attorney at Law

**OSEN LLC**

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**From:** Ingerman, Brett <brett.ingerman@us.dlapiper.com>

**Sent:** Thursday, March 14, 2024 3:13 PM

**To:** Ari Ungar <aungar@osenlaw.com>; Setrakian, Berge <Berge.Setrakian@us.dlapiper.com>; Coles, Anthony P. <anthony.coles@us.dlapiper.com>; Civetta, Margaret <Margaret.Civetta@us.dlapiper.com>; Earnest Mckee, Lane <lane.mckee@us.dlapiper.com>; Peck, Andrew <andrew.peck@us.dlapiper.com>; Kozlowski, Nicole <nicole.kozlowski@us.dlapiper.com>; Collins, Erin <Erin.Collins@us.dlapiper.com>

**Cc:** Susan Davies <Sd Davies@fbrllp.com>; James Bonner <JBonner@fbrllp.com>; 'Joseph H. Tipograph' <jhtipograph@hnklaw.com>; emacallister@perleslaw.com; Tab Turner <tab@tturner.com>; 'Naunton, Shawn' <snaunton@zuckerman.com>; Zahra R. Dean <zdean@koh Swift.com>; Gary Osen <gosen@osenlaw.com>; Michael Radine <mradine@osenlaw.com>; Dina Gielchinsky <dgielchinsky@osenlaw.com>; Aaron Schlanger <aschlanger@osenlaw.com>

**Subject:** RE: Miller v. Arab Bank; Pam v. Arab Bank

**CAUTION: This email originated from outside of the organization.**

Ari-

With respect to (1), we are looking at dates in the middle of May to complete the Miller plaintiff depositions in Israel (subject to ongoing developments there). We also will make the Arab Bank 30(b)(6) witness on the waiver process available in Jordan during that time. Please let us know if that time frame works.

With respect to (2), please provide us more detail about why you think those records are not responsive.

Finally, we intend to ask the Court for a 60-day extension of the deadline for substantial completion of the Bank's foreign jurisdiction ESI. Please let us know whether the Plaintiffs consent.

Thanks

Brett

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**From:** Ari Ungar <aungar@osenlaw.com>

**Sent:** Wednesday, March 13, 2024 9:38 PM

**To:** Ingerman, Brett <brett.ingerman@us.dlapiper.com>; Setrakian, Berge <Berge.Setrakian@us.dlapiper.com>; Coles, Anthony P. <anthony.coles@us.dlapiper.com>; Civetta, Margaret <Margaret.Civetta@us.dlapiper.com>; Earnest Mckee, Lane <lane.mckee@us.dlapiper.com>; Peck, Andrew <andrew.peck@us.dlapiper.com>; Kozlowski, Nicole

<[nicole.kozlowski@us.dlapiper.com](mailto:nicole.kozlowski@us.dlapiper.com)>; Collins, Erin <[Erin.Collins@us.dlapiper.com](mailto:Erin.Collins@us.dlapiper.com)>

Cc: Susan Davies <[sdavies@fbrllp.com](mailto:sdavies@fbrllp.com)>; James Bonner <[JBonner@fbrllp.com](mailto:JBonner@fbrllp.com)>; 'Joseph H. Tipograph' <[jhtipograph@hnklaw.com](mailto:jhtipograph@hnklaw.com)>; [emacallister@perleslaw.com](mailto:emacallister@perleslaw.com); Tab Turner <[tab@tturner.com](mailto:tab@tturner.com)>; 'Naunton, Shawn' <[snaunton@zuckerman.com](mailto:snaunton@zuckerman.com)>; Zahra R. Dean <[zdean@koh Swift.com](mailto:zdean@koh Swift.com)>; Gary Osen <[gosen@osenlaw.com](mailto:gosen@osenlaw.com)>; Michael Radine <[mradine@osenlaw.com](mailto:mradine@osenlaw.com)>; Dina Gielchinsky <[dgielchinsky@osenlaw.com](mailto:dgielchinsky@osenlaw.com)>; Aaron Schlanger <[aschlanger@osenlaw.com](mailto:aschlanger@osenlaw.com)>

**Subject:** Miller v. Arab Bank; Pam v. Arab Bank

 EXTERNAL MESSAGE

Brett,

I wanted to follow up with you about two issues: (1) completion of the remaining *Miller* and *Pam* depositions; and (2) production of records referenced by *Miller* Plaintiff Phillip Bauer in his deposition.

Regarding issue (1), following up on our prior discussions, our February 12, 2024, submission, and your recommendation during the February 14 conference that you would check in with us “in a couple of weeks,” we renew our proposal to conduct some of the remaining depositions in-person at your Tel Aviv office in approximately a month, subject to Plaintiff availability. If you are still unable or unwilling to travel to Israel, we again propose conducting the depositions by video, again subject to Plaintiff availability.

Regarding issue (2), having re-reviewed Mr. Bauer’s deposition transcript, based on his representations concerning the therapy in question, we do not believe there is a sufficient showing for Defendant to obtain the records that defense counsel requested during his deposition.

I am happy to discuss either or both of these issues with you further.

Regards,

Ari Ungar  
Attorney at Law

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